

REMARKS

This Amendment is submitted in response to the outstanding Office Action wherein the Examiner rejected claim 17 under 35 U.S.C. § 112, rejected the claims under 35 U.S.C. § 103, and under the traditionally created doctrine of obviousness-type double patenting over claims 1-9 of U.S. Patent No. 5,624,629.

Reconsideration of the application in view of the following remarks and the previously submitted Terminal Disclaimer is respectfully requested. Turning to this latter issue first, applicant respectfully points out to the Examiner that a Terminal Disclaimer signed by the undersigned attorney of record was submitted with this continuation application on January 7, 2002. A copy of the Terminal Disclaimer together with the Transmittal showing payment of the fee for filing the Disclaimer is annexed hereto for the convenience of the Examiner. The Terminal Disclaimer specifically references U.S. Patent No. 5,624,629 relied on by the Examiner in the obviousness-type double patenting rejection set forth at Paragraph 5 of the Office Action.

In view of the previous filing of the Terminal Disclaimer and required fee, applicant respectfully submits that the obviousness-type double patenting rejection has been obviated and should be withdrawn.

Turning to the rejection under Section 112, applicant has amended claim 17 to delete reference to the word "arrangement." This provides antecedent basis in claim 17 for the term "the seal" as introduced in claim 14. In view of this, it is respectfully submitted that the rejection under Section 112 has been obviated and should be withdrawn.

By this Amendment applicant has also added new claims 18-24. Claims 18-21 are dependent with and consistent with claims 10-13. New claims 22-24 are consistent with claims 15-17, but are dependent on independent claim 9.

This leaves the prior art rejection of the claims over Chick in view of Nissen alone or further in view of Wood, et al. '974. Initially, claims 9-12 and 14-17 were rejected as unpatentable over Chick in view of Nissen.

Claim 13 was then rejected over Chick in view of Nissen and further in view of Wood, et al. '974. The Examiner considers that Chick discloses the basis claimed process of lining a lateral pipe using a lining tube of resin-impregnated material which is inverted into the lateral from an elbow pipe within the main pipe. As such, this meets the requirements of claims 10 and

12 in that Chick at column 3, lines 14-19 discloses devices for forming a mechanical locking of the elbow pipe against the main pipe.

The Examiner turns to Nissen, whom he considers discloses a lining tube with the instant collar used to anchor the tube to the entrance of the pipe being lined. Specific reference is made to column 2, lines 36-39. Finally, the Examiner concludes it would have been obvious to one of ordinary skill in the art to modify the liner of Chick as taught by Nissen to facilitate the holding in place of the liner as it is everted. With respect to the rejection of claim 13 as unpatentable over Chick in view of Nissen and further in view of Wood, et al. '974, the Examiner relies on Wood for teaching diametrically opposed pillows as the inflatable bag or bladder in a pipe lining operation.

These rejections are respectfully traversed for the following reasons.

Prior to discussing the specific prior art rejections, applicant takes this opportunity to set forth the following brief remarks in connection with the claimed method of lining a lateral pipe from the main line and forming a seal arrangement at the junction between the lateral and main line. To do so, applicant installs a flexible tubular liner having a collar utilizing an elbow piece for receiving the liner which is positioned along the main pipeline opposite the entrance to the lateral. Upon application of pressure to a bladder, the apparatus is fixed within the main pipeline and holds the collar to be pressed against the interior surface of the main pipeline. The elbow pipe has a radial portion substantially perpendicular to the central axis of the main pipeline with a longitudinal portion of the elbow extending along the longitudinal axis of the main pipeline. What is important here is that the collar portion is retained within the main pipeline to form the seal arrangement between the lateral pipeline and the main pipeline. This feature clearly distinguishes the claims over the process disclosed in Chick where the end of the lateral pipeline being installed is anchored to the elbow apparatus. There is simply nothing within Chick that discloses or suggests installing a lateral liner having a collar that remains within the main pipeline and extends in the axial direction of the main to form the seal arrangement.

The same is true with respect to Nissen that does not even relate to lining laterals. In Nissen, a portion of the flexible liner being installed is anchored to the entrance of the pipe being lined. However, that entrance is not within a main and not at a lateral pipeline connection. The entrance discussed in Nissen is one end of the pipe being lined. Thus, Nissen is directed to an entirely different lining process than either Chick or applicant.

In view of this, applicant respectfully submits that it is improper to combine Nissen with Chick. Simply stated, Nissen is directed to flexible tubes for lining straight lengths of pipe. It is not directed to curable resin-impregnated tubes and is not directed to lining a lateral pipeline connected to a main pipe as is Chick.

Even if Nissen is combined with Chick as suggested by the Examiner, what would happen here is that we would simply form a bend or fold of the Nissen liner. There is nothing to show or suggest a method as claimed wherein a lateral liner including a collar that is deposited along a section of the interior surface of the main pipeline forms a seal arrangement with the lateral.

Applicant further submits that there is simply no reason to combine Nissen with Chick. Why would one put a collar or a bead as in Nissen on Chick's tube which is already anchored to the elbow apparatus? The bead of Nissen would be placed on the elbow tube of Chick and not at the intersection of the lateral and main pipeline as clearly set forth in independent claims 9 and 14. For this reason, applicant respectfully submits that any combination of Nissen with Chick is simply not supported by the teachings in either reference. Further, even if the combination is made, the method calling for applying fluid pressure to the collar on the surface of the main pipe to cure the collar against the main pipe to form the seal arrangement is simply not shown or suggested. For this reason, applicant respectfully submits that the rejection of claims 9-12 and 14-17 is not well supported and that the Examiner has failed to establish a *prima facie* case of obviousness.

Applicant further submits that the same is true with respect to claim 13. Any combination of Nissen with Chick is not well-founded. Neither Chick alone, Nissen alone or either in combination suggest an installation process wherein a lateral lining tube having a collar that remains in the mainline is not shown or suggested.

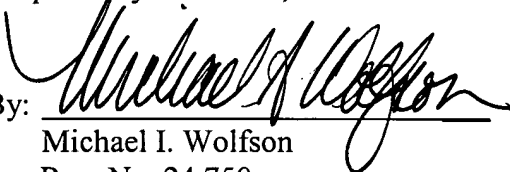
With respect to Wood, applicant respectfully notes that the Examiner has not identified the portion of Wood he considers relevant. The reference to Wood's teaching of diametrically opposed pillows may be what is shown in Fig. 8. However, the Wood '974 is not directed to lining laterals and the showing in Fig. 8 is a ring that rolls as the everting liner advances in the mainline to impregnate the everting liner. There is simply no teaching or suggestion anywhere in the reference of installing a lateral from the mainline out.

For these reasons, applicant respectfully submits that the rejection of claims 9-17 based on the combination of Chick and Nissen is not well-founded and should be withdrawn. Accordingly, applicant respectfully submits that claims 9-17 are patentable over any combination with Chick and the prior art rejections should be withdrawn.

In view of these remarks, the Examiner is respectfully requested to reconsider the application and issue a favorable action thereon. If upon review of the application, the Examiner is unable to issue an immediate Notice of Allowance, the Examiner is respectfully requested to telephone the undersigned attorney with a view towards resolving the outstanding issues.

Early and favorable action in connection with this application is earnestly solicited.

Respectfully submitted,

By: 

Michael I. Wolfson
Reg. No. 24,750
Attorney for Applicant
REED SMITH LLP
599 Lexington Avenue
New York, New York 10022-7650
Tel.: (212) 521-5400